UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NORTHEASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 2:19-cv-00009
)	Judge Trauger
OAKLEY PHARMACY, INC.,)	
D/B/A DALE HOLLOW)	
PHARMACY; XPRESS PHARMACY)	
OF CLAY COUNTY, LLC;)	
THOMAS WEIR; MICHAEL)	
GRIFFITH; JOHN POLSTON;)	
LARRY LARKIN	ĺ	

MOTION OF DEFENDANTS THOMAS WEIR, OAKLEY PHARMACY, INC., AND XPRESS PHARMACY TO CONTINUE PRELIMINARY INJUNCTION HEARING

COME NOW the Defendants, Thomas Weir, Oakley Pharmacy, Inc., and Xpress Pharmacy of Clay County, LLC, by and through their undersigned counsel, and respectfully request that this Honorable Court enter an Order continuing the Preliminary Injunction Hearing in the above-captioned case from Thursday, February 21, 2019 at 3:00 p.m., to a later date convenient to the Court and counsel. In support hereof, Defendants state as follows:

- 1. A Preliminary Injunction Hearing has been scheduled in this case for Thursday, February 21, 2019 at 3:00 p.m. (Docket Entry 10, Page ID# 131).
- 2. Counsel for Defendants Thomas Weir, Oakley Pharmacy, Inc., and Xpress Pharmacy of Clay County, LLC, entered their respective Notices of Appearance in this case on Tuesday, February 19, 2019. Counsel need additional time to conduct a preliminary investigation of this matter to be adequately prepared for the injunction hearing.

3. The Defendants hereby acknowledge that the Temporary Restraining Order (Docket Entry 10) will remain in full force and effect pending a hearing on the preliminary injunction.

WHEREFORE, based on the foregoing, Defendants respectfully request that this Honorable Court enter an Order continuing the Preliminary Injunction Hearing in the above-captioned case from Thursday, February 21, 2019 at 3:00 p.m., to a later date convenient to the Court and counsel.

Respectfully submitted,

TUNE, ENTREKIN & WHITE, P.C. UBS Tower, Suite 1700 315 Deaderick Street Nashville, Tennessee 37238 (615) 244-2770

BY: <u>s:/ Peter J. Strianse</u> PETER J. STRIANSE

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BY: <u>s:/James D. White, Jr.</u> JAMES D. WHITE, JR.

> Attorneys for Defendants Thomas Weir, Oakley Pharmacy, Inc., & Xpress Pharmacy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent via the Court's electronic filing system, if registered, or, if unregistered in the Court's system, it has been sent via facsimile and deposited in the United States Mail, postage prepaid, to:

Ellen Bowden McIntrye Assistant United States Attorney 110 Ninth Avenue South Suite A-961 Nashville, TN 37203

Donald R. Lorenzen Ross Goldstein U.S. Department of Justice Civil Division P.O. Box 386 Washington, D.C. 20044

This 19th day of February, 2019.

S:/ Peter J. Strianse
PETER J. STRIANSE